

The bitter legacy of Dec. 4, 1969

A decade after the most famous or notorious police raid in Chicago's history, in which Black Panthers Fred Hampton and Mark Clark were killed, litigation continues and the questions get no easier.





Fred Hampton



Mark Clark

By Jerry Crimmins

Sometime after 11 o'clock on the night of Dec. 3, 1969, a group of members of the Black Panther Party returned to an apartment on West Monroe Street after attending a "political education" class.

Some of the Panthers, including the leader of the Illinois chapter, Fred Hampton, 21, lived in the apartment, on the first floor of a two-flat. Others slept there occasionally, and some simply did not want to go home yet.

By any standards, it was a crummy place at 2337 W. Monroe. It was run down and dirty, it needed painting, it was cold and drafty. It consisted of five small rooms and a bathroom.

From a distance that night, a whirlwind was bearing down on this apartment. This is not to say that what was to pass was preplanned. That is much disputed. But the whirlwind was coming, even if all who were eventually involved did not know it.

In the apartment, Harold Bell, 23, a Viet Nam veteran whose hometown was Rockford, went into the kitchen but found nothing to eat. The group decided to send someone out to buy food, and afterwards they shared a cheap meal of spaghetti, hot dogs, and Kool-Aide.

The conversation continued well past midnight, and gradually those who were going home drifted away. Among those who left early, probably even before the main group arrived, was Panther William O'Neal who, unbeknownst to the others, was an informant for the Federal Bureau of Investigation. O'Neal had told the FBI that the Panthers had collected a lot of guns, including some which were illegal, in the apartment, and this information had been passed on to the special prosecutions unit of the state's attorney's police.

Deborah Johnson, 18, who was pregnant with Hampton's child, retired to the rearmost of the two bedrooms (known subsequently as the south bedroom) shortly after midnight. Hampton soon joined her. On the bedroom phone, Johnson called up the Hampton family in Maywood, and she and Hampton talked to family members, but Fred fell asleep with the phone at his ear. After Johnson hung up, both went to sleep.

In the living room, Bell and Mark Clark, 22, a member from Peoria, along with Louis Trueluck, 39, and Brenda Harris, 18, continued talking. At the same time, they took apart a shotgun and began to clean it.

By 4:45 a.m., all but Trueluck and

perhaps Clark were asleep. At this time, eight policemen were out in front of the apartment and six at the rear, but the Panthers were apparently unaware of that fact.

Each policeman carried a revolver. The raiders also had five shotguns, a .30 caliber carbine and a .45 caliber Thompson submachine gun.

Sgt. Daniel Groth, who planned and led the raid, knocked with his hand on the outside door of the first floor apartment. When no one answered, he knocked with his gun.

The Black Panther Party for Self Defense (the original name) was founded by Huey Newton and Bobby Seale in Oakland, Cal., on Oct. 15, 1966. That day, the two wrote up their 10-point program, later summarized by a federal grand jury:

"(It) demands social change by direct action, including force, if necessary, to restructure the 'system' to permit blacks to control their own status and values without dependence on or exploitation by the 'white establishment.' The program calls for land, bread, housing, education, and employment; it also calls for community control of police and schools and such things as all-black juries for black defendants."

The program does not completely describe the Panthers, who also proudly called for "revolution" by the gun.

In Seale's opinion, Newton, 24 years old at the founding, was one of the toughest residents of the Oakland ghetto. In the book "Seize the Time," Seale described the early recruiting for the party:

"Huey wanted brothers off the block — brothers who had been out there robbing banks, brothers who had been pimping, brothers who had been peddling dope, brothers who ain't gonna take no — once they get themselves together in the area of political education ... Newton realized that once you organize the brothers he ran with ... you get revolutionaries who are too much." Seale was 29.

The Panthers regularly quoted from Mao's Little Red Book about revolution. They glorified guns and resisting police. The founders called police an "occupying army" in the ghetto.

For Panthers, the feud was more personal than it was for middle-class "revolutionaries."

The founders said blacks were con-

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Panthers urged blacks to carry guns with them on the street.

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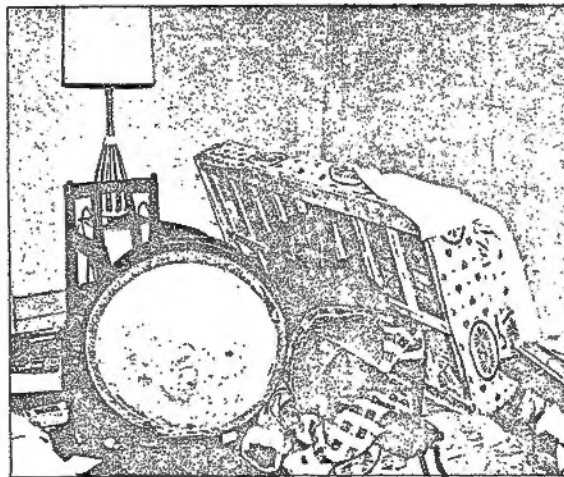
stantly harassed and humiliated by police in Oakland, which had had a long history of racial trouble. The party urged blacks to arm themselves and walk around on the street carrying guns, letting the police know they had guns. Supposedly, blacks would thus acquire equality with the police and be treated with more respect.

In Oakland, the Panthers had frequent shootouts with police, and the pattern continued as they expanded nationally.

In early 1969, the Panthers reorganized. To show that they were concerned with more than guns and shooting, the Panthers started a free breakfast program for poor children in San Francisco in April, 1969. The food was donated by local merchants, although some merchants said it was extorted, and the breakfasts were served in church buildings.

The Chicago Panthers under Fred Hampton started their free breakfast program in the summer of 1969 with temporary success. In September, they announced they were going to open a medical clinic in Lawndale.

Before the Dec. 4, 1969, raid, the Panthers in Chicago and elsewhere said



Overturned bed and table in the living room of the West Side flat.

they were constantly and illegally harassed by police and FBI — a paradoxical complaint for revolutionaries, but this was America.

Looking back, one author later counted 348 Panthers arrested across the country in 1969 — on charges of murder, armed robbery, rape, bank robbery, and burglary. He did not count the convictions.

Another source counted 95 arrests of Panthers just in Chicago in the seven months ended in May, 1969. In addition to serious charges, Panthers were frequently stopped here for traffic violations or for selling the party newspaper.

Years later, it was disclosed that the FBI in its secret COINTELPRO program had indeed been harassing the Panthers in a variety of ways.

By far the most serious incident was an anonymous letter written by the Chicago FBI office and sent to Jeff Fort, leader of the Blackstone Rangers street gang in January, 1969. The letter, purportedly from a "black brother," said the Panthers were rivals of the Stones and had "a hit out" for Fort. A related FBI memo said the letter to Fort might cause Fort to "take retaliatory actions." The Blackstone Rangers

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Trueluck and Clark looked out the window but couldn't see anyone.

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were, of course, prone to murder.

Louis Trueluck heard the knock at the outside front door, and opened the inner door. The two doors are separated by a small hallway a few feet long.

"Who's there?" asked Trueluck. The doors had no windows.

Sgt. Groth said he replied: "Police officers. I have a warrant to search the premises."

Trueluck closed the inner door. He and Clark looked out the front window of the apartment, but couldn't see anyone in the dark. Trueluck walked toward the back to wake up Hampton.

Brenda Harris, who had been sleeping on a bed in the living room, later remembered waking up, hearing knocks and someone say at least twice, "Police, brothers, open up."

Clark said, "Just a minute."

After hearing this, Groth ordered Detective James Davis, a black officer, to break in. Davis broke into the small hallway, kept going and broke open the inside door with his left shoulder.

The police said that as Davis hit the inside door, a shotgun blast pierced the door, directly over Davis, who was hunched down. Davis fell into the living room. Groth said he looked in, saw Davis sprawled out, and thought Davis had been wounded. He also saw a woman on a bed (Harris) working a shotgun. She fired through the open doorway, he said. Groth backed out.

Davis, who had not been touched, fired three shots in rapid succession. He said he wounded Harris with the first, then whirled and saw Clark to the side and behind him, pumping a shotgun.

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Inside the flat, police were now shooting from front and rear.

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Davis shot Clark twice, using his .30 caliber carbine.

Minimal illumination was provided by a space heater, but gunshots lit up the room a little better.

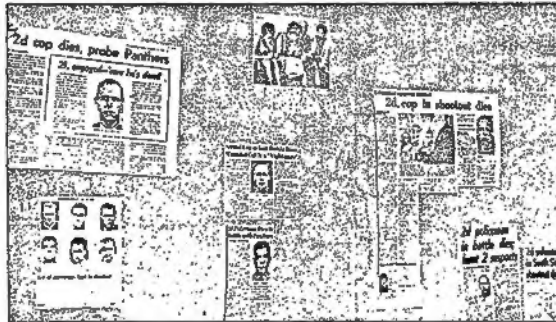
At some point, Groth stuck his revolver around the doorjamb of the inside door and fired at Harris without looking at her. Also, at some point, Bell jumped up from the living room floor and he, too, ran to Hampton's bedroom.

In the back, Detective Edward Carmody said he heard a shotgun blast from the front and immediately kicked in the kitchen door. He said he saw three flashes, heard three shots and saw a hand pointing a gun at him from the dining room. The three shots came from this gun, Carmody contended.

In 1969, some Americans considered the Black Panthers to be charming or heroic, and others thought them ludicrous. Most policemen considered them vicious and a serious danger.

At one point during the celebrated free breakfast program in San Francisco, black children were given coloring books containing drawing of police being shot and stabbed by blacks. One sketch was titled "The Only Good Pig Is a Dead Pig," and showed a youth stabbing a policeman in the back.

Seale said he ordered the books withdrawn when he learned of their contents.



Clippings pinned to wall in Hampton's apartment told of earlier gun battle with Black Panthers in which two Chicago policemen were killed.

A quick survey of Tribune news clippings from 1968 and 1969 before the raid turned up descriptions of eight gun battles nationally between police and Panthers in which 18 policemen were reported shot, three fatally. Ten Panthers were also reported shot, five fatally. Four of these incidents occurred in Chicago.

Also mentioned was a sniping attack on two policemen in New York, allegedly by Panthers, and three Panthers arrested for allegedly machine-gunning a

police station in Jersey City.

In 1968, Huey Newton was convicted of manslaughter in the shooting death of an Oakland policeman who had stopped Newton's car for a traffic violation.

The most dire incident from the point of view of Chicago policemen occurred Nov. 13, 1969, less than a month before the raid. Officers John Gilhooly and Francis Rappaport were shot to death in a battle with snipers in a vacant, South Side building. One Panther, Spur-

geon (Jake) Winters was killed; and another, Lance Bell, was wounded. The police said they were fired on without warning. In their publications, the Panthers portrayed Winters as a hero.

Inside 2337 W. Monroe St., the police were now shooting from front and rear. Officer Joseph Gorman had entered the front with the machine gun and officer George Jones with a shotgun. Groth had re-entered. In the rear, following Carmody, were detectives John Ciszewski, Raymond Broderick, and William Corbett. The police continued shooting. They contended the Panthers did also.

Groth called several cease fires, remembered both sides. Each time, according to police, someone in the apartment yelled, "Shoot it out," and the shooting resumed. The Panthers do not recall anyone saying, "Shoot it out."

The police said they were fired on by persons in both north and south bedrooms as well as earlier by persons in the living room and dining room.

(No evidence was ever found of Panther shots from either of the bedrooms or the dining room.)

By 4:52 a.m., seven minutes or so after the raid began, the police had fired a lot of rounds but had not been able to count their shots. The police said the Panthers had fired a minimum of 10 to 15 shots. It was finally over.

Mark Clark was dead in the living

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Hampton used the rhetoric of violence.

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of the Maywood NAACP. He organized several demonstrations in Maywood, including one demanding a community swimming pool. In July, 1968, he was arrested in Maywood some time after an ice cream truck driver was attacked in a strong-arm robbery and \$71 worth of ice cream bars stolen. Hampton denied even being there but was later convicted. His supporters said the Maywood police framed him because they considered him a trouble maker.

Hampton joined the Illinois Panther chapter shortly after it was formed in November, 1968.

The eight other Panthers in the apartment with Hampton, including two 18-year-old women and one, 17, did not fit the mode of the early Panthers. (Louis Trueluck, who had a long police and penitentiary record, was 39 at the time of the raid.)

Nevertheless, Hampton was not a youth leader for the NAACP at the end. His rhetoric was regularly violent. In a Panther pamphlet, Hampton had coined an aphorism that ended, "When you kill all the pigs, you get complete satisfaction." Another quotation attributed to Hampton was: "Let's say it and mean it, that from here on out it's an eye for an eye, a head for a head, a life for a life."

There is an obvious irony in that statement, and a sadness. ■

Some of the answers may never be known.

Some questions and attempted answers about the raid. For those who like a crime puzzle, this is one of the best.

Was Hampton slipped a drug by the FBI informant to knock him unconscious before the raid?

In a private autopsy conducted by a pathologist hired by Panther supporters, a high level of secobarbital was reported found in Hampton's blood, which would have placed him in a deep stupor. The original autopsy by the Cook County coroner's office found no drugs. A third autopsy conducted months later for the federal grand jury "using the most specific and sophisticated test known for secobarbital" on several blood samples from Hampton found no such drug. The federal grand jury was very critical of the results of the Panthers' private autopsy, but the Panthers and their medical authorities stick to it.

Why would 14 policemen with handguns, shotguns, a carbine, and a machine gun — but no tear gas — sneak up on an apartment in the middle of the night if they didn't intend a wipeout?

The arms and time of the raid were not unusual. On April 11, 1969, a combined force of 60 police and FBI agents using submachine guns, searchlights, and a helicopter set a trap in Chicago for three Black Panthers who allegedly came to pick up illegal machine guns they had purchased from federal undercover agents. The arrests went off without a hitch.

On June 10, 1969, a simultaneous series of pre-dawn raids in Chicago, Summit, and Maywood involving as many as 300 law enforcement officers resulted in the arrest of three Panthers on an indictment for kidnaping and torturing a man and woman.

A good argument can be made that on Dec. 4, there were not enough police officers present.

On June 4, 1969, 40 FBI agents, some with tear gas, surrounded Panther headquarters at 2350 W. Madison St. An agent phoned the building to tell the Panthers they were surrounded and why (seeking a fugitive for murder). Portable sound equipment was used to persuade them to come out without a shot and without teargas.

The federal grand jury report states that "Sgt. Groth did not consider the use of portable sound equipment and thought that a prior phone call was a 'bad idea.'" It continues, "Sgt. Groth's plan did not contemplate the use of teargas." Groth said elsewhere he did not want to call on the Panthers to come out and risk a gun battle while his men were still outside because he was afraid of what the neighbors might do to his men.

The federal grand jury concluded, "Unquestionably, the raid was not professionally planned or properly executed."

Was there a conspiracy between the FBI, State's Attorney Hanrahan, and his policemen to murder Hampton and Clark?



Edward V. Hanrahan

The Panther attorneys argue this way: Hoover put a lot of pressure on all his agents to break up the Panthers, whom he considered "the greatest threat to the internal security of the country."

The COINTELPRO program, especially the anonymous letter from the Chicago FBI office to the Blackstone Rangers and the implied hope of "reprisals" in the related memo, certainly showed malice aforethought by the FBI.

Also, the FBI tried first to get the Chicago police gang intelligence unit to make the weapons raid, but when they did not, the FBI turned to the state's attorney's police. The FBI supplied a layout of the apartment, and the Panther lawyers say this included notice of exactly where Hampton slept.

The arguments on the other side are these: If the FBI wanted to kill Panthers in general they could have done it on their own previous raids and traps. (One might argue they wanted somebody else to do it.)

Also, there is no evidence against Hanrahan except the not-surprising fact that he was consulted by his aides before the raid and vigorously supported his officers' account for years afterwards. Panthers and others instantly suspected the worst of Hanrahan because they felt he was an out-and-out racist. I disagree with this opinion on the basis of what my day-to-day dealings with Hanrahan for a year and a half revealed.

The state's attorney's police cannot be blamed for the FBI's COINTELPRO program. There is no evidence they were even aware of it.

Last, if the 14 police raiders or even just a few of them, planned murder from the outset, why did they knock on the door and announce themselves — more than once — as the occupants agree they did? Panther rules required them to resist incursions by persons claiming to be police. Why would conspirators risk rousing the Panthers and getting shot?

Conspiracy aside, when the opportunity was at hand, did the police seek out Hampton and purposely gun him down without justification?

The first few facts that follow are undisputed:

Hampton was shot twice in the head through and through, so it is not known who fired those shots. The third wound in his left shoulder came from Davis' carbine, according to the federal grand jury, but was probably not fatal.

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As a crime puzzle, it's one of the best.

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Throughout the raid, the police fired dozens of carbine and machine gun bullets through the living room wall into the north bedroom. Eighteen of these bullets continued into the south bedroom where Hampton was.

The simplest Panther "murder" theory is that the police consciously tried to shoot Hampton through two walls because they knew exactly where Hampton slept. The FBI supposedly pointed out his bed in the diagram of the apartment.

Panther lawyers say the bullet pattern on the wall next to Hampton's bed shows the police intent.

The second theory is more cold-blooded. If Hampton was not shot through the wall, Panther lawyers argue, then he was gunned down in his bed later, while he was alone and unresisting, by a policeman who fired a handgun from close up.

Their evidence is this: Deborah Johnson, Trueluck, and Bell were in the south bedroom with Hampton at the beginning, but all three surrendered and left him there lying on the bed. Johnson said she was in bed with Hampton for the entire time, lying next to or on top of him before she surrendered. She did not see any blood on him, or wounds. There was no blood on her robe when she was arrested. But photos show the dying Hampton bled profusely.

Johnson testified that on the way out of the bedroom, she heard two shots that made her jump. A few moments later, while she was a captive lying on the kitchen floor, she heard somebody

say, "He's barely alive" or "He'll barely make it." She heard more shooting. After it stopped, she heard someone say, "He's good and dead now."

Panther lawyers contend a police officer (whom they name) entered the bedroom with a handgun after Deborah Johnson surrendered and shot Hampton in the head at point-blank range.

They name the officer because he filled out a police "firearms use report," which said he had "critically wounded" a suspect by firing his handgun from 10 feet away. Since it is known that this officer did not shoot Clark or the four wounded Panthers, he must have shot Hampton from 10 feet away, they reason.

The Panthers admit none of them saw this happen. They build a circumstantial case. (One Panther formerly said he witnessed something like this, but later said he lied about it.)

Police lawyers reply this way: Both sides agree there was a lot of shooting after Deborah Johnson surrendered, and that the police continued to fire into the north bedroom, where they thought there was resistance. This explains the renewed shooting Johnson heard, they say.

The officer in question testified he fired from the back door at the beginning of the affair, aiming at somebody he thought was shooting at him. He concluded from the outcome that the person he shot from the doorway was the man found critically wounded in the back bedroom (Hampton).

Police lawyers argue also that Hampton probably was moving about during the raid and may in fact have been the person this officer shot at from the back door. Hampton's shoulder wound came from the left side. If Hampton lay in bed without moving, as Deborah Johnson said he did, no shots came from his left side.

This theory could explain the officer's conclusions in his "firearms use re-

port." If accepted, it also means that the Panthers lied about Hampton's behavior.

As for Hampton's head wounds, police lawyers say they were caused by the police bullets that came through the wall of Hampton's bedroom — either after he got back in the bed or as he stayed in bed the whole time, if he did. The whole thrust of the police version is that they fired through the walls while they thought they were involved in a fight for their lives.

As for the lack of blood on Deborah Johnson's robe, police lawyers question whether she was in the bed the whole time because 18 bullets whizzed about the room a few feet above the floor, and she was not touched. She and Trueluck may have got on the floor, as Bell and the occupants of the north bedroom did, and thus she was not smeared with Hampton's blood.

Last, there is this problem: Seventeen days after the raid, Deborah Johnson and four other Panther survivors gave statements about the events of the raid to a sympathetic attorney. The four other statements remained hidden until 1972, when they were accidentally discovered and revealed during the trial of Hanrahan and the police. The statements that came to light contradicted somewhat the Panther's public versions of what had happened. Deborah Johnson's statement was turned over to her personal lawyer, and she has never allowed him to reveal it.

Why did the police shoot so much in the face of such meager resistance? Doesn't this show they were up to no good?

The Panthers do not quarrel with the evidence that Clark fired a shot through the front door. The police say this was the first shot of all. The Panthers say it wasn't. If you believed that the police were in shooting, then that is the answer.

If you accept the police version that

Clark started it (the police did knock), then as Davis broke through the door, a shotgun blast went over his head. Brenda Harris was the first person Davis saw in the apartment, sitting on a bed a few feet in front of him. In her secret statement, later revealed, Harris said she had had her shotgun in her hands and was attempting to release the safety as the police broke in. In the dark room, Davis said he thought the first shot had come from Harris' shotgun, and so he shot her. He said he then turned around and saw Clark working a shotgun and shot him twice.

Thus, four shots were fired in what was an extremely tense situation beforehand.

Officer Carmody said he kicked in the back door after he heard a shotgun blast. He said he next saw three quick shots, which came at him from the dining room, but his line of sight also ran straight into the living room, where Officer Davis fired three shots. Policemen in the back started shooting. More officers in the front joined the shooting.

"The most plausible explanation, but one rejected by the officers," the federal grand jury report says, "is that in the darkness and excitement they mistakenly attributed to the occupants the fire of other officers."

The several cease fires, broken by someone saying, "Shoot it out" each time, are not so easily explained.

Did a policeman, his blood up because he thought he was in a great battle with his mortal enemy, object to the cease fire and say, "Shoot it out"?

Did a Panther, trapped in a bedroom, but thinking his comrades elsewhere in the apartment were carrying on the fight, say with bravado, "Shoot it out"?

In the yelling and confusion, did no one say, "Shoot it out," but it sounded as if someone did?

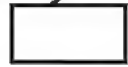
Was this fabricated?

The answer is not known.

J.C.

Chicago Tribune Magazine

44-1503-2413



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1 1979



DATE	FILINGS-PROCEEDINGS
1979	
9/17	Entered order that the motion of the state defendants-appellees seeking reconsideration <u>in banc</u> of the determination to distribute the second document above only to the panel is hereby DENIED. The denial at this is made without prejudice to any right the defendants-appellees may have seek reconsideration <u>in banc</u> of any determination of attorneys' fees made the panel. Further ordered that, in light of the disposition of the motion of the state defendants-appellees, the motion of certain plaintiffs-appellants to strike that motion is hereby DENIED as moot.
9/19	Filed O&3c state defendants-appellees' motion for stay of the mandate for 30 days, svc.
9/19	Motion of 9/19/79, filed without action.
*9/18	Filed O&3c appellees' motion for stay of the mandate for 30 days, aff't. svc.
9/19	Entered order that mandate of this court is STAYED up to and including 10/19/79, pursuant to Rule 41(b) of the F.R.A.P.
9/19	Entered order GRANTING appellees' motion of 9/14/79. Attorney Camillo Volini is hereby allowed to withdraw as counsel for said state defendants-appellees. Attorney John O. Tuohy will be allowed to file his appearance as substitute counsel for the state defendants-appellees.
10/12	Filed O&3c appellees' motion for extension of stay of the mandate for 6 days, aff't., svc. (all #'s)
10/15	Filed O&3c appellees' motion to stay the mandate for sixty days, svc. (all #'s).
10/17	Filed O&3c appellants motion for recusal of Judge Wilbur F. Pell; exhibit svc. (all #'s).
10/18	Entered order GRANTING appellees' motions of 10/12/79 and 10/15/79 <u>only</u> the extent that the mandate in this court is stayed <u>up to and including</u> 11/19/79. (all #'s)
10/24	Filed O&3c State defendants-appellees' response to motion for recusal of Judge Wilbur F. Pell, svc. (all #'s).
10/25	Filed O&3c Federal appellees' response to the motion for recusal of J. Wilbur F. Pell, svc. (all #'s)
*10/24	Filed O&3c motion to reconsider the ruling on State appellees' petition rehearing, svc. (all #'s)
11/9	Filed O&3c Federal appellees' motion for extension of stay of mandate pending filing petition for cert., aff't., svc. (all #'s)
11/13	Filed O&3c State defendants-appellees' motion to stay mandate, svc. (all #'s)
11/14	Filed O&3c opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct., aff't., svc. (all #'s)
11/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered the other action requested in the motion relating to the striking of the dissent, having lost any claim for consideration by virtue of the denial, recusal, is also DENIED. (all #'s)

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United States Court of Appeals
Seventh Circuit -- Docket

77-1698

General No.

Related Nos.

Misc. No.

Page 8

77-1210, 77-1370

DATE	FILINGS-PROCEEDINGS
<u>1979</u>	
11/16	Filed O&3c federal appellees' response to certain appellants' opposition to federal defendants' motion to stay mandate; and plaintiff motion for immediate issuance of mandate on the issue of sanction and for disciplinary action against the Dist. Ct. filed 11/14/79 (all #'s)
11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to the stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #

1 cc for SAE [redacted]

[redacted] [redacted]
sq. # 5

44-1503-2014

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SERIALIZED	[redacted]	FILED	[redacted]
DEC 13 1979			
FBI-CHICAGO			[redacted]

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Transmit attached by Facsimile - UNCLAS

Precedence Immediate

To: Director, FBI
ATTN: Legal Counsel Division
From: SAC, Chicago (44-1503)
Subject: Hampton v. Hanrahan
(U.S.D.C., N.D., Ill.)
Civil Action 70 C 1384

Date: 12/13/79

Time: Transmitted - 230

Initials - b6
b7C

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph

☐ Artists Conception☒ Other Court Order

Special handling instructions:

Pls. immediately Hand Carry to
Supr. Civil Litigation Unit, Room 7326

Approved: b6
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FBI/DOJ

FBI

TRANSMIT VIA:

☒ Teletype☐ Facsimile☐ _____

PRECEDENCE:

☐ Immediate☐ Priority☒ Routine

CLASSIFICATION:

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Date

12/14/79

FM CHICAGO (44-1503) (P) (SQ. 1)

TO DIRECTOR (44-44202) (ROUTINE) 2312

INDIANAPOLIS (ROUTINE) 8415

BT

UNCLAS

IBERIA HAMPTON, ETAL V. EDWARD HANRAHAN, ETAL. (U.S.D.C.,
N.D., ILL.) CIVIL ACTION NUMBER 70C1384.

RE CHICAGO TEL CALL TO INDIANAPOLIS, DECEMBER 14, 1979.

AUSA [REDACTED] CHICAGO, HAS REQUESTED THE
APPEARANCE OF SA ROY M. MITCHELL, INDIANAPOLIS DIVISION,
MUNCIE RA, FOR A CONFERENCE CONCERNING CAPTIONED CIVIL ACTION
ON TUESDAY DECEMBER 18, 1979 AT 10 AM.

UACB, SA MITCHELL WILL APPEAR AS SCHEDULED.

BT

HPH/sar

(1 [REDACTED])

44-1503-2416

SEARCHED [REDACTED]
SERIALIZED [REDACTED]
INDEXED [REDACTED]
FILED [REDACTED]

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Approved [REDACTED]

Transmitted

(Number)

(Time)

Per [REDACTED]

FBI

TRANSMIT VIA:

☒ Teletype☐ Facsimile☐ _____

PRECEDENCE:

☒ Immediate☐ Priority☐ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☒ UNCLAS

Date 12/20/79

FM CHICAGO (44-1503) (SQUAD 1)

TO DIRECTOR (44-44202) IMMEDIATE **1740**INDIANAPOLIS IMMEDIATE **1742**

BT

UNCLAS

IBERIA HAMPTON, ET AL VERSUS EDWARD HANRAHAN, ET AL, (U.S.D.C.,
N.D., ILLINOIS), CIVIL ACTION NUMBER 70C1384.

RE AUSA, CHICAGO TELEPHONE CALL TO SA ROY M. MITCHELL,
MUNCIE RA, DECEMBER 19, 1979.

AUSA [] REQUESTS THE APPEARANCE OF SA MITCHELL AT
CHICAGO ON FRIDAY, DECEMBER 21, 1979, AT 11:00 A.M. FOR A
CONFERENCE IN CAPTIONED MATTER.

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UACB, SA MITCHELL WILL APPEAR AS REQUESTED.

BT

[]
(1)

44-1503-2417

Searched	[]
Serialized	[]
Indexed	[]
Filed	[]

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Approved: []

Transmitted

(Number)

(Time)

Per []

United States Court of Appeals
Seventh Circuit - Docket

77-1698

General No.

Related Nos.

Misc. No.

Page 8

77-1210, 77-1370

DATE	FILINGS-PROCEEDINGS
1979	
11/16	Filed O&3c federal appellees' response to certain appellants' opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions and for disciplinary action against the Dist. Ct. filed 11/14/79, (all #'s)
11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to further stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
11/30	Filed O&3c state defendants-appellees' motion for ruling on attorneys' fees to be awarded plaintiffs' attorneys, svc.
12/3	Filed O&3c appellants' response to motion for ruling on attorneys' fees to be awarded plaintiffs' attorney, svc.
12/12	Entered order awarding attorney's fees. Judge Pell, concurring. See order for details.
12/12	Entered order that in light of this court's order of 12/12/79, holding that the Clark attorneys are entitled to an award of \$72,215.00 and the Hampton attorneys are entitled to an award of \$27,695.00 for their legal services, the motions of 11/30/79 and 12/3/79 are dismissed on the ground of mootness.
12/11	Filed notice, per C.R. 17(d), of mailing petition for cert. to Supreme Court on 12/11/79. (77-1210, & 77-1370)
12/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file a petition for rehearing or other appropriate action with respect to the order of 12/12/79. (all #'s)
*12/21	Entered order that the first paragraph of page 3 of this court's order of 12/12/79 is AMENDED to read as follows: SEE ORDER FOR DETAILS.

S. # 5

44-1503-2418

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DATE	FILINGS-PROCEEDINGS
<u>1979</u>	
11/14	Filed O&3c opposition to federal defendants' motion to stay mandate and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. aff't., svc. (all #'s)
11/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that that the other action requested in the motion relative to the striking of the dissent, having lost any claim for consideration by virtue of the denial of recusal, is also DENIED. (all #'s)
11/16	Filed O&3c federal appellees' response to certain appellants' opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions and for disciplinary action against the Dist. Ct filed 11/14/79. s (all #'s)
11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to further stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
12/11	Filed notice, per C.R. 17(d), of mailing petition for cert. to Supreme Court on 12/11/79. (77-1370 & 77-1698)
12/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file a petition for rehearing or other appropriate action with respect to the order of 12/12/79. (77-1370, 77-1698)

Misc. No. _____

United States Court of Appeals
Seventh Circuit - Docket

General No. _____

Related Nos. _____

77-1210, 77-1370

DATE	FILINGS-PROCEEDINGS
1979	
11/13	Filed O&3c state defendants-appellees' motion to stay mandate, svc. (all #
11/14	Filed O&3c opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct., aff't., svc. (all #'s)
1/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that the other action requested in the motion relating to the striking of the dissent, having lost any claim for consideration by virtue of the denial of recusal, is also DENIED. (all #'s).
1/16	Filed O&3c federal appellees' response to certain appellants' opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct. filed 11/14/79. (all #'s). svc.
11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to further stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
12/11	Filed notice, per C.R. 17(d), of mailing petition for cert. to Supreme Court on 12/11/79. (77-1210 & 77-1698)
12/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file petition for rehearing or other appropriate action with respect to the order of 12/12/79. (all #'s)

44-1503-2423

Sg. #5

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Bob Wiedrich

Giving the FBI a rotten deal



LOLR
CHICAGO
JAN 14 1980

IT IS AMAZING how international tensions can change the minds of politicians concerned about the propriety of methods used to combat domestic subversion.

In periods of detente with Moscow, Federal Bureau of Investigation agents charged with maintaining national security are considered civil rights-violating bums.

But when the Russian bear snarls across the borders of Afghanistan and thrusts his paws toward the Persian Gulf, the same politicians holler for the cops to protect their precious security at all costs.

The hypocrisy is disgusting. However, the price paid by the victims of such political vascillation is tragic.

Nearly three years ago, for example, the Carter administration's Justice Department obtained the federal grand jury indictment of former Acting FBI Director

For it is estimated that by the time the trials are over, the government will have spent more than \$20 million to investigate and prosecute those accused of the spurious charges.

And all because the Justice Department is persisting in invoking post-Watergate morality retroactively to the revolutionary 1960s, when terrorists were blowing up buildings in their efforts to violently overthrow the United States government.

Incredibly, the vendetta goes on even as the Carter administration has done a complete about-face and is now preparing to ask Congress to create a secret court with power to authorize break-ins and mail openings by government agents.

That is where the hypocrisy comes in, because the proposal is being made as part of a comprehensive intelligence agency charter by the same Carter administration that indicted the FBI agents for conducting the same kind of operations.

EVEN MORE INCREDIBLE, President Carter is citing mounting U.S.-Soviet tensions as the reason for loosening restrictions on national security activities.

In short, the President is declaring that he wants FBI agents to go on doing what they always did because their country needs them to protect it.

He is recognizing the need for mail openings, wiretapping, surreptitious entries, and other forms of surveillance to safeguard the nation, just as did virtually all of his predecessors at the White House.

But he is refusing to instruct his Justice Department to drop the charges against Gray, Felt, and Miller because the operations they are accused of having ordered were not conducted under his ground rules.

In doing so, Jimmy Carter is conveniently forgetting that a succession of four Presidents and their attorneys general knew that such operations now deemed illegal were being carried out.

He is conveniently overlooking the files documenting information that Presidents practiced the doctrine of plausible deniability to avoid getting blamed themselves for acts they authorized that might later be questioned.

And he is unconscionably ignoring the hypocrisy of turning back the clock to retroactively apply standards prevailing today that that were not demanded by previous Presidents.

THESE GOOD AND decent men — Gray, Miller, and Felt — have suffered enough. So have Agent Kearney and the others who endured public shame before the Justice Department decided to prosecute their former bosses instead.

For having sought to defend their country with methods historically authorized by implied presidential consent, the three former officials still have their heads snared in a pillory that only President Carter can unlock.

And I don't think Congress should grant him the powers he wants today to face a renewed Soviet menace without demanding that he correct the wrongs of his administration against these men yesterday.

The Justice Department is persisting in invoking post-Watergate morality retroactively to the revolutionary 1960s, when terrorists were blowing up buildings.

L. Patrick Gray; W. Mark Felt, former associate director, and Edward S. Miller, onetime assistant director for domestic intelligence.

The three were charged with having conspired to violate civil rights by ordering illegal break-ins in the hunt for fugitive members of the terrorist, radical Weatherman Underground organization.

THE GOVERNMENT alleged the three officials had been overzealous in FBI efforts to track down those believed responsible for the 1971 bombing of the capitol, among other violent acts.

And since the indictments, the Carter administration and the Justice Department have steadfastly refused to dismiss the charges, even though the defendants contend they were operating with the authority of the President of the United States.

In the course of their ordeal, about \$300,000 in legal fees have been accumulated by the 130 past and present FBI agents involved in the Justice Department witch hunt.

Former FBI Supervisor John Kearney alone rolled up \$158,000 in attorney's fees before former Atty. Gen. Griffin Bell dropped charges that Kearney had violated civil rights by directing subordinates to make surreptitious entries of domestic terrorist groups and read their mail.

And thus far, Miller and Felt face legal fees of nearly \$200,000, a figure certain to climb even higher after their trial opens March 17 in Washington.

Clearly, these men have paid a high price for defending their country against foreign subversion.

AND BEFORE THE case is over, the price to American taxpayers may be even more staggering.

When is

By Louis B. Schwartz

SCANDALOUS REVELATION officials to bribery and the proof of investigation to egg people which they can be prosecuted debate.

The issue to which most attention is the lawfulness of the present legal situation may be Practices which most people and "dirty pool" have repeated divided votes in the United States is that law officers may offer "protection" to commit crimes but may not, or any other tactics of law-abiding person to engage in.

An offer by an undercover agent or other contraband is regarded potential seller with an opportunity is accompanied by a tender defense even that the government ingredients to a suspect who is them in the manufacture of illegal goods.

THREE MAIN criticisms of scholars and reformers. One is themselves to defending society about promoting the commission altogether, persuasive since reasonably see themselves as society against persons strongly disposed to crime.

The suspect, they reason, we to someone else, if not to the once, in their view, is that they testify against the seller, since what is sometimes mislabeled.

A second criticism of existing does not confine entrapment expected. If the authorities pre-

Louis B. Schwartz is Benjamin at the University of Pennsylvania al Commission on Reform of Pen-

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United States Court of Appeals
Seventh Circuit -- Docket

77-1698

Misc. No. _____

General No. _____

Related Nos. _____

77-1210, 77-1370

DATE	FILINGS-PROCEEDINGS
<u>1980</u>	
1/21	Filed O&3c Federal appellees' motion for 15 day extension of time to file a petition for rehearing or other appropriate action with respect to the order of 12/12/79, aff't., svc.
1/24	Entered order GRANTING Federal appellees' motion of 1/21/80. The time within which the federal appellees may file a petition for rehearing or other appropriate pleadings is extended to 2/8/80.
2/8	Filed O&3c motion by the USA to intervene; 25c petition tendered, svc.
2/19	Filed O&3c Federal appellees' response to the motion by the US to intervene, svc.
2/19	Filed O&3c motion of Harland F. Leather, attorney for federal appellees to withdraw, aff't., svc.
*2/8	Filed 25c federal appellees' petition for rehearing of the court's order 12/12/79 and suggestion for rehearing in banc, dist., svc.
2/21	Entered order GRANTING motion by the USA's. motion to intervene filed 2/8/80 and any party desiring to file a response to this motion shall do so by 2/25/80.
2/25	Entered order GRANTING Harland F. Leather's motion of 2/19/80 and Harland F. Leathers is permitted to withdraw as attorney for the federal appellees.
*2/8	Filed 15c petition by the U.S. for rehearing, dist., svc.
2/19	Filed copy of clerk's letter to appellants (and other parties concerned) requesting answer to Federal appellees' petition for rehearing and suggestion for rehearing en banc. 25c of each of those answers will be required to be filed with the clerk by Fri., 2/29/80. (77-1210, 77-1370)
2/29	Filed O&3c plaintiff's verified motion for extension of time to answer to Government's petition for rehearing, svc.

Sy. #5

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United States Court of Appeals
Seventh Circuit — Docket

77-1698

Misc. No. _____

General No. _____

Related Nos. _____

77-1210, 77-1370

DATE	FILINGS-PROCEEDINGS
<u>1980</u>	
1/21	Filed O&3c Federal appellees' motion for 15 day extension of time to file a petition for rehearing or other appropriate action with respect to the order of 12/12/79, aff't., svc.
1/24	Entered order GRANTING Federal appellees' motion of 1/21/80. The time within which the federal appellees may file a petition for rehearing or other appropriate pleadings is extended to 2/8/80.
2/8	Filed O&3c motion by the USA to intervene; 25c petition tendered, svc.
2/19	Filed O&3c Federal appellees' response to the motion by the US to intervene, svc.
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*2/8	Filed 25c federal appellees' petition for rehearing of the court's order 12/12/79 and suggestion for rehearing in banc, dist., svc.
2/21	Entered order GRANTING motion by the USA's. motion to intervene filed 2/8/80 and any party desiring to file a response to this motion shall do so by 2/25/80.
2/25	Entered order GRANTING Harland F. Leather's motion of 2/19/80 and Harland F. Leathers is permitted to withdraw as attorney for the federal appellees.
*2/8	Filed 15c petition by the U.S. for rehearing, dist., svc.
2/19	Filed copy of clerk's letter to appellants (and other parties concerned) requesting answer to Federal appellees' petition for rehearing and suggestion for rehearing en banc. 25c of each of those answers will be required to be filed with the clerk by Fri., 2/29/80. (77-1210, 77-1370)
2/29	Filed O&3c plaintiff's verified motion for extension of time to answer to Government's petition for rehearing, svc.
3/4	Entered order GRANTING appellants' motion of 2/29/80 and the time for filing the answer to the government's petition for rehearing with respect to attorneys' fees is extended to the close of business on 3/12/80.
3/4	Entered order that any party desiring to file a response to the motion by the U.S. to intervene filed 2/8/80 shall do so by 3/12/80.
2/29	Filed 25c state defendants-appellees response to federal-appellees petition for rehearing of the Court order of 12/12/79 and suggestion for rehearing in banc, dist., svc.
3/17	Filed O&3c certain appellants' verified motion for extension of time, svc.
3/21	Entered order DENYING appellants' motion of 3/17/80.
3/26	Filed O&3c appellants' motion for leave to file opposition of certain plaintiffs to Government's rehearing petitions late, instant; 5c response tendered, svc.

44-1503-2431



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DATE	FILINGS-PROCEEDINGS
1979	
11/14	Filed O&3c opposition to federal defendants' motion to stay mandat and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. aff't., svc. (all #'s)
11/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that that the other action requested in the motion relatn to the striking of the dissent, having lost any claim for consider tion by virtue of the denial of recusal, is also DENIED. (all #'s
11/16	Filed O&3c federal appellees' response to certain appellants' oppo tion to federal defendants' motion to stay mandate; and plaintiffs motion for immediate issuance of mandate on the issue of sanctions and for disciplinary action against the Dist. Ct filed 11/14/79. s (all #'s)
11/20	Entered order that the mandate of this court is STAYED only 'o 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.C.P. No further extensions will be granted. Further ordered that al other matters raised in the response of certain appellants to stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
12/11	Filed notice, per C.R. 17(d), of mailing petition for cert. to Supreme Court on 12/11/79. (77-1370 & 77-1698)
*12/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file a petition for rehearing or other appropriate action with respect to the order of 12/12/79. (77-1370, 77-1698)
*12/6	Filed copy of letter to Federal appellees from Supreme Ct. extendi time in which to file a petition for writ of cert. until 12/18/79. (77-1370, 77-1698)
12/14	Filed notice of filing petition for cert. on 12/11/79; Supreme Ct. No. 79-914. (all #'s)
12/17	Filed notice of filing petition for cert. on 12/11/79, Supreme Ct. No. 79-912. (all #'s)
12/26	Filed 25c state defendants-appellees' petition for rehearing and suggestions for rehearing en banc concerning attorneys' fees, dist+ svc. (77-1370, 77-1698)
1980	
1/4	Entered order that the time for within which the federal appeller may file a petition for rehearing (or other appropriate action) w+ respect to this court's order of 12/12/79 is extended to 1/24/80. (77-1370, 77-1698)

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DATE	FILINGS-PROCEEDINGS
<u>1979</u>	
11/13	Filed O&3c state defendants-appellees' motion to stay mandate, svc. (all #
11/14	Filed O&3c opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct., aff't., svc. (all #'s)
1/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that the other action requested in the motion relating to the striking of the dissent, having lost any claim for consideration by virtue of the denial of recusal, is also DENIED. (all #'s).
1/16	Filed O&3c federal appellees' response to certain appellants' opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct. filed 11/14/79. (all #'s). svc.
11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in response of certain appellants to further stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
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12/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file petition for rehearing or other appropriate action with respect to the order of 12/12/79. (all #'s)
2/6	Filed copy of letter to Federal appellees from Supreme Ct. extending time which to file a petition for writ of cert. until 12/18/79. (77-1370, 77-1
2/14	Filed notice of filing petition for cert. on 12/11/79; Sup. Ct. No. 79-914 (all #'s)
2/17	Filed notice of filing petition for cert. on 12/11/79; Sup. Ct. No. 79-912 (all #'s)
12/26	Filed 25c state defendants-appellees' petition for rehearing and suggestion for rehearing en banc concerning attorneys' fees, dist., svc. (all #'s)
<u>1980</u>	
1/4	Entered order that the time within which the federal appellees may file a petition for rehearing (or other appropriate action) with respect to this court's order of 12/12/79 is extended to 1/24/80. (all #'s)

DATE	FILINGS-PROCEEDINGS
<u>1980</u> 4/15	<p>Entered order that the penultimate paragraph on page 13 of the ord 12/12/79 be amended to read as follows:</p> <p>Plaintiffs' attorneys fail to suggest how the fees should be apportioned between defendants. We hold that one-third of the award should be paid by the federal defendants and two-thirds should be paid by the state defendants.</p> <p>The remaining portion of that paragraph is deleted. Further order that the state appellees' petition for rehearing and suggestion for rehearing en banc concerning attorney fees is DENIED. Also order that the federal appellees' petition for rehearing and suggestion rehearing en banc is DENIED. Further ordered that the motion, filed by the U.S. to intervene is DENIED. Judge Pell concurring.</p>

To SAC, Chicago (Attn: [redacted])

Date: 6/7/60

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From: Director, FBI

Total Transmitted

Re: HAMPTON v.
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Initials: [redacted]

(SUPREME COURT OF THE U.S.)
CIVIL ACTIONS NO. 79-912 & 79-914

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper Clipping ☐ Photograph

☐ Artist's Conception ☒ Other Supreme Court Decision

Special handling instructions:

Decision being transmitted per telephone call between SA [redacted]
and SA [redacted]

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Approved: [redacted]

FBI/DOJ

AH 7326

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
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44-1503-2434

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JUN 10 1960		FBI - CHICAGO	

44-1503-2436

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DATE _____ BY _____
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ALL INFORMATION CONTAINED
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ICC sent to
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Sy. #5

44-1503-2439

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DATE	FILINGS-PROCEEDINGS
<u>1979</u>	
11/14	Filed O&3c opposition to federal defendants' motion to stay mandat and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. aff't., svc. (all #'s)
11/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that that the other action requested in the motion relatin to the striking of the dissent, having lost any claim for consider tion by virtue of the denial of recusal, is also DENIED. (all #'s
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11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to furt stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s
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12/17	Filed notice of filing petition for cert. on 12/11/79, Supreme Ct. No. 79-912. (all #'s)
12/26	Filed 25c state defendants-appellees' petition for rehearing and suggestions for rehearing en banc concerning attorneys' fees, dist svc. (77-1370, 77-1698)
<u>1980</u>	
1/4	Entered order that the time for within which the federal appellees may file a petition for rehearing (or other appropriate action) wi respect to this court's order of 12/12/79 is extended to 1/24/80. (77-1370, 77-1698)
6/4	Filed an opinion from Supreme Court dated 6/4/80 DENIED cert on new trial, GRANTED cert on atty. fees and REVERSED.

44-1503-2491

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SERIALIZED	FILED
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FBI-CHICAGO	

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DATE	FILINGS-PROCEEDINGS
<u>1979</u>	
11/13	Filed O&3c state defendants-appellees' motion to stay mandate, svc. (all #
11/14	Filed O&3c opposition to federal defendants' motion to stay mandate; and plaintiffs' motion for immediate issuance of mandate on the issue of sanctions, and for disciplinary action against the Dist. Ct., aff't., svc. (all #'s)
1/15	Entered order DENYING appellants' motion of 10/17/79. Further ordered that the other action requested in the motion relating to the striking of the dissent, having lost any claim for consideration by virtue of the denial of recusal, is also DENIED. (all #'s).
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11/20	Entered order that the mandate of this court is STAYED only to 12/11/79, pursuant to the provisions of Rule 41(b) of the F.R.A.P. No further extensions will be granted. Further ordered that all other matters raised in the response of certain appellants to further stay of mandate are TAKEN UNDER ADVISEMENT by the court. (all #'s)
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2/26	Filed O&3c Federal appellees' motion for 30 day extension of time to file petition for rehearing or other appropriate action with respect to the order of 12/12/79. (all #'s)
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<u>1980</u>	
1/4	Entered order that the time within which the federal appellees may file a petition for rehearing (or other appropriate action) with respect to this court's order of 12/12/79 is extended to 1/24/80. (all #'s)
6/4	Filed an opinion from Supreme Court dated 6/4/80 DENIED cert on new trial, GRANTED cert on atty. fees and REVERSED.

DATE	FILINGS-PROCEEDINGS
<u>1980</u>	
4/15	<p>Entered order that the penultimate paragraph on page 13 of the ord 12/12/79 be amended to read as follows:</p> <p>Plaintiffs' attorneys fail to suggest how the fees should be apportioned between defendants. We hold that one-third of the award should be paid by the federal defendants and two-thirds should be paid by the state defendants.</p> <p>The remaining portion of that paragraph is deleted. Further ordered that the state appellees' petition for rehearing and suggestion for rehearing en banc concerning attorney fees is DENIED. Also ordered that the federal appellees' petition for rehearing and suggestion for rehearing en banc is DENIED. Further ordered that the motion filed by the U.S. to intervene is DENIED. Judge Pell concurring.</p>
6/4	<p>Filed an opinion from Supreme Court dated 6/4/80 DENIED cert on n trial, GRANTED cert on atty. fees and REVERSED</p>

Panther suit lawyers ask damage hike

By Maurice Possley

Lawyers for the families of two Black Panther Party members slain in a 1969 police raid sought Thursday to increase their damage suit claim to \$71.7 million from \$47 million.

G. Flint Taylor Jr., lawyer for the families of Fred Hampton and Mark Clark, asked U.S. District Judge Milton I. Shadur to allow them to file an amended complaint seeking the additional damages from the federal government.

Taylor also asked that—in addition to the police officers involved in the raid and certain other county officials—the FBI, the Department of Justice, the estate of the late FBI chief J. Edgar Hoover, and former U.S. Attorney General John Mitchell be added as defendants.

The suit stems from a pre-dawn raid on Dec. 4, 1969, on a Black Panther Party apartment at 2337 W. Monroe in which Panther leaders Hampton and Clark died from police bullets.

The first trial in the case resulted in the longest civil trial in Chicago federal court history, lasting 18 months. Presiding U.S. District Judge Joseph Sam Perry in 1977 refused to allow the case to go to the jury and acquitted all defendants, including former State's Attorney Edward V. Hanrahan and a host of law enforcement officials.

The U.S. Court of Appeals in April, 1979, reinstated the suit and the U.S. Supreme Court affirmed the decision last June.

The suit charges that Clark and Hampton were deliberately murdered in a conspiracy involving Hanrahan's office, the Chicago Police Department and the FBI.

At the same time, the police defendants in the case asked Shadur, the newest judge to be appointed to the federal court here, to step aside and let the case be assigned to another judge.

The defendants claimed Shadur is prejudiced because his former law partner was a member of a lawyer's civil rights committee that once filed a friend-of-the-court brief against a number of the defendants.

Shadur said he will rule on both motions on Oct. 15.

Wrangling on Panthers begins anew

THE COMPLEX legal wrangling that has characterized the 10-year-old Black Panther civil rights suit began anew in federal court Thursday as the case was called for the first time since it was returned from the United States Supreme Court for a new trial.

Lawyers for two slain Black Panthers, Mark Clark and Fred Hampton, killed in the Dec. 4, 1969 police raid, sought to increase the amount of damages they are seeking from former State's Atty. Edward V. Hanrahan and various Chicago policemen by \$24 million to \$71.7 million.

At the same time, lawyers for Hanrahan and other defendants asked the new judge assigned the case, District Judge Milton I. Shadur, to remove himself from the case because his former law firm is a member of the Lawyers Committee for Civil Rights Under Law, which earlier filed a brief on behalf of the Panthers in the case.

THE ORIGINAL civil trial, which lasted a record 18 months, ended in 1977 with a ruling by District Judge Joseph Sam Perry in favor of Hanrahan and the police. In June, the Supreme Court upheld an earlier Appeals Court decision ordering a new trial.

44-1503-2445

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SEP 29 1980	
CHICAGO	

44-1503-2446

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